



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,738	02/04/2002	Ramesh Keshavaraj	2102REI	4100

25280 7590 06/18/2003

MILLIKEN & COMPANY
920 MILLIKEN RD
PO BOX 1926
SPARTANBURG, SC 29304

EXAMINER

SINGH, ARTI R

ART UNIT	PAPER NUMBER
----------	--------------

1771

DATE MAILED: 06/18/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

AS12

Office Action Summary	Application No.	Applicant(s)	
	10/066,738	KESHAVARAJ, RAMESH	
	Examiner	Art Unit	
	Ms. Arti Singh	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment C filed on 05/20/2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Response to Amendment

1. The Examiner has carefully considered Applicant's amendments and accompanying remarks filed on 05/20/2003. Applicant's amendments to claims 6 and 7 have been entered. Applicant also submitted a new declaration (paper no. 10), which has also been entered, and duly overcomes the rejections made under 35 USC 251 in paragraphs 2 and 3 of the previous office action. The amendments to Claims 6 and 7 remedy the rejections made under 35 USC § 112, 2nd paragraph in paragraph 5 of the previous office action, and is thus withdrawn. Despite these advances, Applicant's amendments/arguments are not found to persuasive in terms to patently distinguish the claims over the prior art and do not overcome the rejection made under 35 U.S.C. § 102 (e)/103 (a), in paragraph 8 of the previous office action, and are thus maintained and made final.

Response to Arguments

2. Applicant's arguments filed as Amendment C as paper no. 11 dated 05/21/2003 have been fully considered but are not persuasive. Applicant's traverses the rejection made under 35 USC 102 (e)/103 (a), in paragraph 8 of the previous of issued to Moriwaki et al. (5,989,660). Applicant's first traversal asserts that the teachings of Moriwaki et al. do not disclose nor fairly suggest an airbag fabric of the same low permeability as now claimed; and that Moriwaki et al. are concerned with providing a lower construction, and thus less expensive, fabric ultimately for airbag utilization that exhibits similar properties to woven fabrics of higher construction (e.g., higher cover factor); and that Moriwaki et al. accomplish this through the application of their extremely low levels of coating; and that such a coating does not provide low air permeability, at least to the degree now claimed by Applicant; and that the Examples of Moriwaki et al. do not disclose a fabric having a cover factor below a

Art Unit: 1771

2100 threshold level. In response to this the Examiner contends that, Moriwaki et al. in column 3, line 10, teach that the cover factor of the woven fabric to be 1700 to 2500, and that the coating level is 10 μ or less, both of which meet Applicant's claimed ranges, thereby meeting two of the structural configurations required by Applicant. It should be noted that when air permeability of an airbag is determined, the composite as a whole, that is, coating plus cover factor, must be taken into account. If the weave density is a tightly woven one, then less coating is applied to fill the interstices of the fabric, and if a looser weave is used more coating is applied to achieve the same air permeability of rather impermeability of the composite airbag fabric, and thus Moriwaki et al. do teach the low permeability that Applicant too desires. Further, with regard to the argument that the Examples do not teach a cover factor below a 2100 threshold, the Examiner takes the stance that, Applicant is correct in their deduction that most of the Examples and Tables shown in columns 10 and 11 do not show a cover factor having a threshold of 2100, however the Examiner must look at the reference as a "whole", and rely on the specification for the teachings, and not specifically to the Examples and Tables when making the rejections. The working Examples alone do not define the invention, and if this were the case, then is Applicant instructing the Examiner to rely on their Examples alone, and not the specification/claims when assessing their invention?

Applicant's next traversal is that Moriwaki et al. utilize cc/cm²/sec for their air permeability measurements, and that Applicant uses cfm; and that the conversion requires a multiplication factor ~1.96, which throws Moriwaki et al's measurements well over that of Applicant. The Examiner takes the position that Applicant is not comparing apples to apples. Applicant is not using the same test methods to arrive at their deductions, and thus has not established an equal comparison. Furthermore, Applicant has not accounted for pressure and temperature that would be required variables when arriving at their conclusion. Therefore, in

Art Unit: 1771

lieu of the Examiner's rebuttal Applicant's arguments are found to be unconvincing and the rejection is maintained.

Claim Rejections - 35 USC § 102/103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action in paragraphs 6 and 7 of the previous office action.
4. Claims 1-43 are rejected under 35 U.S.C. 102(e) as being anticipated by, or in the alternative under U.S.C. 103 (a) issued to Moriwaki et al. (USPN 5,989,660) as set forth in paragraph 8 of the previous office action.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Arti Singh whose telephone number is 703-305-0291. The examiner can normally be reached on M-F 8:00am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the

Application/Control Number: 10/066,738

Page 5

Art Unit: 1771

organization where this application or proceeding is assigned are 703-873-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Ms. Arti Singh
Patent Examiner
Art Unit 1771

ars
June 16, 2003